

The gentleman from Michigan has 50 seconds remaining.

Mr. CONYERS. I am now pleased to recognize LYNN WOOLSEY of California for 30 seconds.

Ms. WOOLSEY. Mr. Speaker, my granddaughter, Julia, is 3 years old. She goes to preschool. Even in preschool, they gang up and they bully. The parents at that preschool tell me that my Julia steps in and she stops it. She will not put up with bullying and unfairness.

It is our turn. Be as brave as a 3-year-old. Vote for H.R. 1592. Show the world that if not now, when?

Mr. SMITH of Texas. Mr. Speaker, I will yield the balance of my time to my good friend and colleague from Virginia (Mr. GOODLATTE), a senior member of the Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, I would like to thank the gentleman from Texas for his leadership on the committee and his strong opposition to this legislation.

I rise in strong opposition to the legislation as well. This bill would increase penalties for those who commit crimes against certain groups of citizens, but not others. For example, if a man walks down the street and punches another man because the victim is a transvestite, the aggressor would be punishable by up to 10 additional years in prison. However, if the same man walks down the street and punches another person because the victim is a pregnant woman, a senior citizen, a child under the age of 10, a veteran or the like, then the aggressor would not be punishable by the potential 10-year prison sentence. This is simply unfair.

While I strongly support efforts to rid our schools, neighborhoods and communities of violent crimes, I do not believe that new Federal laws specifically addressing hate crimes are necessary.

Today, there are few, if any, cases in which law enforcement has not prosecuted violent crimes to the fullest extent of the law, regardless of the background of the person.

In addition, this bill sets a dangerous and unconstitutional precedent of punishing citizens for their thoughts. When prosecutions occur under this bill, prosecutors will undoubtedly submit evidence of prior statements by individuals to prove that the aggressor was motivated by hate. This will have a chilling effect on citizens' willingness to speak freely as citizens will adapt to a new world where the Federal Government can cause any unpopular statements they make to be used against them in the future.

One of the great freedoms we have as Americans is our first amendment right to speak our minds, whether our thoughts are popular or unpopular, and this legislation undermines that right.

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Again, I abhor acts of violence against any citizen. I abhor bigotry

and believe that such crimes should be punished to the fullest extent of the law when aggressive violence occurs. However, this legislation gives special preferences to certain classes of citizens and would create a chilling effect on one of our most cherished constitutional rights.

For these reasons, I strongly urge my colleagues to oppose this bill. However, if my colleagues need to be reminded further, I would like to share with them the statement of the administration regarding this legislation, H.R. 1592:

"The administration favors strong criminal penalties for violent crime, including crime based on personal characteristics such as race, color, religion, or national origin. However, the administration believes that H.R. 1592 is unnecessary and constitutionally questionable. If H.R. 1592 were presented to the President, his senior advisors would recommend that he veto the bill.

"State and local criminal laws already provide criminal penalties for the violence addressed by the new Federal crime defined in section 7 of H.R. 1592, and many of these laws carry stricter penalties (including mandatory minimums and the death penalty) than the proposed language in H.R. 1592. State and local law enforcement agencies and courts have the capability to enforce those penalties and are doing so effectively.

"There has been no persuasive demonstration of any need to federalize such a potentially large range of violent crime enforcement, and doing so is inconsistent with the proper allocation of criminal enforcement responsibilities between the different levels of government. In addition, almost every State in the country can actively prosecute hate crimes under the State's own hate crimes law."

Mr. Speaker, I include the balance of the statement of administration policy for the RECORD.

H.R. 1592 prohibits willfully causing or attempting to cause bodily injury to any person based upon the victim's race, color, religion, or national origin, gender, sexual orientation, gender identity, or disability. The Administration notes that the bill would leave other classes (such as the elderly, members of the military, police officers, and victims of prior crimes) without similar special status. The Administration believes that all violent crimes are unacceptable, regardless of the victims, and should be punished firmly. Moreover, the bill's proposed section 249(a)(1) of title 18 of the U.S. Code raises constitutional concerns. Federalization of criminal law concerning the violence prohibited by the bill would be constitutional only if done in the implementation of a power granted to the Federal government, such as the power to protect Federal personnel, to regulate interstate commerce, or to enforce equal protection of the laws. Section 249(a)(1) is not by its terms limited to the exercise of such a power, and it is not at all clear that sufficient factual or legal grounds exist to uphold this provision of H.R. 1592.

Mr. Speaker, I urge my colleagues to support the administration and oppose this legislation.

Mr. CONYERS. Mr. Speaker, I am pleased to conclude our debate by yielding our remaining time to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, Dr. King reminded us that on some questions, cowards will ask us, is it safe? What will happen to me if I do this? The answer is, what will happen to them if we don't do it? And on some questions, expediency will ask, is it politic? Will I get reelected? And then vanity asks, is it popular?

Today, let's do that which is neither safe nor politic nor popular. Let's do it because it's right.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the Hate Crimes Prevention Act.

This bipartisan legislation will give state and local law enforcement the tools and resources they need to prevent and prosecute violent hate crimes.

In the not so distant past, violence motivated by hatred or discrimination towards a minority was sanctioned by our government. As we struggled to right the inequities present in our society, many used targeted violence against individual African Americans as a tactic to scare African Americans in general and discourage the Civil Rights Movement overall.

This type of targeted violence against a minority—violence specifically intended to intimidate and repress all members of that minority—was particularly reprehensible and damaging to society as a whole. Congress recognized that these particularly heinous actions warranted stronger criminal penalties, which were codified in Federal hate crimes law in 1968.

Unfortunately, almost 20 years later biased violence continues, and while the groups and individuals victimized have changed, the damage remains the same. In 1998, Matthew Sheppard was viciously murdered because of his sexual orientation. In January 2000, a 16-year-old high school female student was brutally attacked by a group of teenagers because the student was holding hands with another girl—a common practice in her native country in Africa. Just last October, Michael Sandy was beaten then chased into traffic and killed because he was gay.

Under current law, the attackers in each of these cases could not be prosecuted for a hate crime for two reasons. First, in order for it to constitute a federal hate crime, a victim must be engaged in a federally protected activity such as voting. Second, the current hate crime law does not consider sexual orientation a protected class.

The Hate Crimes Prevention Act addresses both these gaps in current law by expanding the definition of a hate crime to cover all violent crimes motivated by race, color, religion, national origin, gender, sexual orientation, gender identity or disability. It also expands the instances in which federal authorities can prosecute or assist local authorities in prosecuting hate crimes.

Importantly, the bill before the House includes specific language stating that nothing in the bill can be interpreted to prohibit "expressive conduct" protected by the First Amendment. In doing so, we have ensured that this legislation in no way impinges on one's constitutional right to freedom of speech or religious expression.

The Hate Crimes Prevention Act enjoys the strong support of law enforcement, and has